

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Fidel Miguel LOZANO-Lopez
Jesus REYES-Bucio,

Defendant(s)

FILED
07 OCT -9 AM 11:44
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:
DEPUTY

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

07 MJ 2408

The undersigned complainant, being duly sworn, states:

On or about **October 5, 2007**, within the Southern District of California, defendants **Fidel Miguel LOZANO-Lopez** and **Jesus REYES-Bucio** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Andres ORTIZ-Cervantes**, **Cristobal VARGAS-Baez**, and **Jose Humberto MOSQUEDA-Gomez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

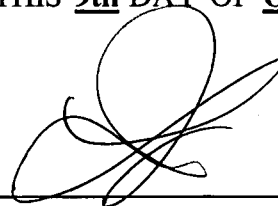
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9th DAY OF OCTOBER,
2007



Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Fidel Miguel LOZANO-Lopez****Jesus REYES-Bucio**

JPM

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Andres ORTIZ-Cervantes**, **Cristobal VARGAS-Baez**, and **Jose Humberto MOSQUEDA-Gomez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

Border Patrol Agents G. Medina, B. Wakefield, S. Lowe, and S. Wilson are currently assigned Anti-Smuggling duties with the San Diego Sector Smuggling Interdiction Group (SIG). On October 5, 2007 the afore-mentioned agents were working in plainclothes in unmarked Department vehicles in the Pine Valley, California area. The area is a known staging and loading location for undocumented aliens that circumvent the U.S. Border Patrol Checkpoint on Interstate 8 to the east of Pine Valley.

At approximately 7:30 P.M. the Department radio channel broadcast a concerned citizen's report of many persons loading into the back of a white pickup truck. Agent Medina had observed a white pickup truck departing Pine Valley on westbound Interstate 8, and radioed the other SIG agents to respond.

The team of SIG agents conducted surveillance on the white pickup as it drove toward San Diego, California. Agent Lowe was able to view the driver of the pickup and relay his physical and clothing description to the other agents. Subsequently, Agent Wakefield also was able to make a visual identification of the driver.

The white pickup exited Interstate 8 at Mission Gorge Road in San Diego, California and was soon stuck in traffic. The SIG agents deployed on foot and approached the white pickup. Agent Wakefield identified himself as a U.S. Border Patrol Agent to the driver, **Fidel Miguel LOZANO-Lopez**, defendant #1. LOZANO admitted that he is a citizen of Mexico illegally present in the United States. Agent Wakefield placed LOZANO under arrest.

Agent Lowe approached the front seat passenger and identified himself as a U.S. Border Patrol Agent. The front seat passenger, **Jesus REYES-Bucio**, defendant #2, admitted that he is a citizen of Mexico illegally present in the United States. Agent Lowe placed REYES under arrest.

Agents Wilson and Medina approached nine persons hiding in the bed of the white pickup and identified themselves as U.S. Border Patrol Agents. All nine persons admitted that they were citizens of Mexico illegally present in the United States. Agents Wilson and Medina placed all nine illegal aliens under arrest.

All eleven illegal aliens were transported to the El Cajon Border Patrol Station for further processing and interviews. The white pickup was not reported stolen. It was registered under release of liability to an individual with a residence in San Diego, California. The pickup was secured for further processing at a Department tow lot.

STATEMENT OF DEFENDANT #1 Fidel Miguel LOZANO-Lopez:

LOZANO was advised of Miranda Rights which he waived and stated he was willing to answer questions. LOZANO stated that he is a native and citizen of Mexico without documents that allow him to enter or remain in the United States legally. LOZANO admitted he last entered the United States illegally three days prior to this current arrest and then traveled to a residence in San Diego, California.

CONTINUATION OF COMPLAINT:**Fidel Miguel LOZANO-Lopez****Jesus REYES-Bucio****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Andres ORTIZ-Cervantes**, **Cristobal VARGAS-Baez**, and **Jose Humberto MOSQUEDA-Gomez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

Border Patrol Agents G. Medina, B. Wakefield, S. Lowe, and S. Wilson are currently assigned Anti-Smuggling duties with the San Diego Sector Smuggling Interdiction Group (SIG). On October 5, 2007 the afore-mentioned agents were working in plainclothes in unmarked Department vehicles in the Pine Valley, California area. The area is a known staging and loading location for undocumented aliens that circumvent the U.S. Border Patrol Checkpoint on Interstate 8 to the east of Pine Valley.

At approximately 7:30 P.M. the Department radio channel broadcast a concerned citizen's report of many persons loading into the back of a white pickup truck. Agent Medina had observed a white pickup truck departing Pine Valley on westbound Interstate 8, and radioed the other SIG agents to respond.

The team of SIG agents conducted surveillance on the white pickup as it drove toward San Diego, California. Agent Lowe was able to view the driver of the pickup and relay his physical and clothing description to the other agents. Subsequently, Agent Wakefield also was able to make a visual identification of the driver.

The white pickup exited Interstate 8 at Mission Gorge Road in San Diego, California and was soon stuck in traffic. The SIG agents deployed on foot and approached the white pickup. Agent Wakefield identified himself as a U.S. Border Patrol Agent to the driver, **Fidel Miguel LOZANO-Lopez**, defendant #1. LOZANO admitted that he is a citizen of Mexico illegally present in the United States. Agent Wakefield placed LOZANO under arrest.

Agent Lowe approached the front seat passenger and identified himself as a U.S. Border Patrol Agent. The front seat passenger, **Jesus REYES-Bucio**, defendant #2, admitted that he is a citizen of Mexico illegally present in the United States. Agent Lowe placed REYES under arrest.

Agents Wilson and Medina approached nine persons hiding in the bed of the white pickup and identified themselves as U.S. Border Patrol Agents. All nine persons admitted that they were citizens of Mexico illegally present in the United States. Agents Wilson and Medina placed all nine illegal aliens under arrest.

All eleven illegal aliens were transported to the El Cajon Border Patrol Station for further processing and interviews. The white pickup was not reported stolen. It was registered under release of liability to an individual with a residence in San Diego, California. The pickup was secured for further processing at a Department tow lot.

STATEMENT OF DEFENDANT #1 Fidel Miguel LOZANO-Lopez:

LOZANO was advised of Miranda Rights which he waived and stated he was willing to answer questions. LOZANO stated that he is a native and citizen of Mexico without documents that allow him to enter or remain in the United States legally. LOZANO admitted he last entered the United States illegally three days prior to this current arrest and then traveled to a residence in San Diego, California.

CONTINUATION OF COMPLAINT:**Fidel Miguel LOZANO-Lopez**
Jesus REYES-Bucio

LOZANO stated that his brother recruited him to drive the white pickup and follow another vehicle driven by an unnamed man to an undisclosed point on Interstate 8 east of El Cajon, California. LOZANO admitted that he followed the other vehicle to a place where they both pulled over and a group of persons jumped into the pickup driven by LOZANO. LOZANO admitted that he knew the persons were illegal aliens, and that he was to follow other driver back to San Diego.

LOZANO then advised the agents he wanted to invoke his right to remain silent. The interview was stopped.

STATEMENT OF DEFENDANT #2 Jesus REYES-Bucio:


REYES was advised of Miranda Rights which he waived and stated he was willing to answer questions. REYES stated that he is a native and citizen of Mexico, and that he has been arrested by the U.S. Border Patrol on five previous occasions. REYES claims that he last entered the United States illegally near Tecate, California approximately two days prior to this current arrest.

REYES admits that he crossed the border with a group of ten citizens of Mexico. They all arrived near a highway and waived down a truck that pulled over on the shoulder. REYES boarded the front seat as passenger while the others climbed into the pickup bed. REYES would only say that the driver of the pickup was not part of the group that REYES originally crossed the border with.

MATERIAL WITNESSES STATEMENTS:

Material witnesses Andres ORTIZ-Cervantes, Cristobal VARGAS-Baez, and Jose Humberto MOSQUEDA-Gomez agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to enter or remain in the United States legally. They stated that arrangements had been made in Mexico to be smuggled into the United States. The material witnesses stated that they were to pay between \$1,700.00 to \$1,800.00 U.S. dollars to be smuggled into the United States. From a photographic line up the material witnesses were able to identify Jesus REYES-Bucio as the foot guide and Fidel Miguel LOZANO-Lopez as the driver of the white pick up.

Executed on October 7, 2007, at 9:30 a.m.


Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on October 5, 2007, in violation of Title 8, United States Code, Section 1324.


Leo S. Papas
United States Magistrate Judge

10/7/07 145AM
Date/Time